

<b>Cabinet Decision</b>	 <b>TOWER HAMLETS</b>
19 September 2017	
<b>Report of:</b> Ann Sutcliffe, Corporate Director of Place (Interim)	<b>Classification:</b> Unrestricted
<b>Tower Hamlets Local Plan 2031: Managing Growth and Sharing the Benefits (Regulation 19 consultation)</b> <b>AND</b> <b>Adoption of the Statement of Community Involvement (SCI) Refresh</b>	

<b>Lead Member</b>	<b>Councillor Rachel Blake, Cabinet Member for Strategic Development &amp; Waste</b>
<b>Originating Officer(s)</b>	Marissa Ryan-Hernandez (Strategic Planning Manager) & Philip Wadsworth (Local Plan Place Team Leader)
<b>Wards affected</b>	All wards
<b>Key Decision?</b>	Yes
<b>Community Plan Theme</b>	<b>A Great Place to Live</b>

## Executive Summary

The Local Plan is the Council's most important planning document, guiding development to help manage future growth across the borough. A new Local Plan has been prepared to respond to local requirements and to reflect national and regional policy changes that have emerged in recent years, such as the borough's housing target which was substantially increased through the London Plan in 2015. The Local Plan has been informed by comments received during two previous rounds of consultation and an up-to-date evidence base.

This report seeks approval to publish the proposed submission version of the Local Plan with associated Integrated Impact Assessment (IIA) and supporting evidence base documents and undertake a statutory public consultation on those documents over a six week period. Following completion of the statutory consultation, the Local Plan along with the IIA, supporting evidence base documents and representations received during the consultation on those documents will be submitted to the Secretary of State to undergo an independent examination in public. To support the new Local Plan an update to the Council's Statement of Community Involvement (SCI) has also been prepared, for which approval is sought to adopt the amendments as a 'SCI Refresh' and replace the existing SCI (2012).

## Recommendations:

The Mayor in Cabinet is recommended to:

1. Approve the publication of the *proposed submission version of the Tower Hamlets Local Plan 2031: Managing Growth and Sharing the Benefits* along with supporting information including an Integrated Impact Assessment (IIA), evidence base studies and other

supplementary information for a six week statutory public consultation.

2. Agree that following consultation and a resolution being taken by Council, that the plan should be submitted to the Secretary of State for independent examination;
3. Authorise the Corporate Director of Place after consultation with the Mayor, to make any appropriate and necessary minor amendments to the proposed submission version of the Local Plan and supporting documents prior to the commencement of the consultation period (regulation 19 stage);
4. Authorise the Corporate Director of Place after consultation with the Mayor to make any appropriate and necessary minor amendments to the proposed submission version of the Local Plan and supporting documents following consultation and prior to submission to the Secretary of State.
5. Adopt the *Statement of Community Involvement Refresh* as a revision of the Statement of Community Involvement (July 2012) in accordance with Section 26 of the Planning and Compulsory Purchase Act 2004. For the avoidance of doubt the adopted Statement of Community Involvement Refresh shall supercede the previous 2012 iteration.

## **1. REASONS FOR THE DECISIONS**

- 1.1 Local Plans set a vision and framework for future development to meet local needs and opportunities and reflect national priorities, particularly in relation to housing, the economy, identification and delivery of infrastructure and protection of the environment. They are a critical tool to positively guide development decisions. The National Planning Policy Framework (NPPF) expects local planning authorities to keep plans up-to-date and also review them in whole or in part in response to changing circumstances.
- 1.2 The Council's current adopted Local Plan consists of two documents:
- Core Strategy - this sets out the overarching vision and strategic priorities for the future of the borough (adopted in 2010).
  - Managing Development Document - this sets out more detailed policies to guide development and identifies sites to help deliver the homes and infrastructure we need (adopted in 2013).
- 1.3 Although quite recent documents, the substantial increase in the borough's annual housing target (from 2,885 to 3,931 homes) through the 2015 update to the London Plan along with recent changes to national policy and legislation mean it is appropriate for the council to bring forward a new Local Plan to manage increased growth and respond to emerging trends.
- 1.4 The preparation and adoption of new Local Plans must adhere with statutory regulations set out in the Town and Country Planning (Local Planning) (England) Regulations 2012. Regulation 19 requires the proposed submission Local Plan and supporting documents to be made available for consultation. Prior to adoption, the Local Plan along with supporting documents and representations received during the Regulation 19 consultation must be submitted to the Secretary of State to undergo an independent examination (Regulation 22).
- 1.5 The Statement of Community Involvement (SCI) (adopted in 2012) sets out how consultees can be involved in the preparation of planning documents and the determination of planning applications. Since its adoption, there have been some amendments to legislation and guidance and some terminology has become outdated. In advance of a complete review of the SCI a 'refresh' has been undertaken to ensure that the Council's obligations in progressing the new Local Plan have been met.

## **2. ALTERNATIVE OPTIONS**

### **Local Plan**

#### **OPTION A: ABANDON THE NEW LOCAL PLAN & RETAIN THE EXISTING LOCAL PLAN**

- The existing Local Plan has not planned for sufficient infrastructure such as schools, open space and transport to meet need arising from the borough's increased annual housing target and projected employment growth set out in the 2015 London Plan. By not allocating sufficient sites, the borough could miss out on the benefits of growth to the detriment of local people.

- The evidence on which the current Local Plan is based is becoming increasingly out-of-date (for instance, it does not reflect the most up-to-date national and regional policies and legislation). The NPPF / London Plan would become default policies on matters not addressed within the existing Local Plan, meaning local circumstances would not necessarily be reflected to guide planning applications and decisions.
- It also means that in some cases the council's ability to successfully defend refusals at appeal would be compromised.

### **OPTION B: PARTIAL REVIEW OF EXISTING LOCAL PLAN (WHILE RETAINING ELEMENTS OF THE NEW LOCAL PLAN)**

- The vision contained in the Core Strategy (2010) no longer accurately reflects the future challenges, opportunities and aspirations of the council and local community, as set out in the Tower Hamlets Partnership Community Plan 2015. As a result, it makes sense that a new vision for the Local Plan is prepared.
- The policies in the Local Plan should be read as a whole and should be considered together as part of any review.
- Changes to population and new government legislation / guidance have rendered much of the evidence out-of-date.
- With further amendments to planning legislation and another new London Plan forthcoming, it is highly likely that a further detailed review of the existing Local Plan would be required in the near future, whereas a whole new Local Plan would have greater longevity and be easier to update should a need arise.

### **Statement of Community Involvement Refresh**

#### **OPTION A: RETAIN THE EXISTING STATEMENT OF COMMUNITY INVOLVEMENT (SCI)**

- It is considered that the current SCI (2012) is considered to be out-of-date.
- Retaining the existing SCI would mean the Council would be at risk of not being able to demonstrate how the Local Plan consultation is fully compliant with new legislation.
- The SCI provides a benchmark against which the consultation on the Local Plan is assessed and approved by the Planning Inspectorate, and therefore should reflect current legislation and guidance in order to be effective.
- The SCI Refresh reflects changes to national and regional policy including neighbourhood planning, duty to cooperate, Community Infrastructure Levy (CIL) and updated out-dated terminology.
- Throughout the Local Plan preparation process, consultation has adhered to the most current legislation and guidance, which is not included in the current adopted SCI.

#### **OPTION B: UNDERTAKE A COMPLETE REVIEW OF THE STATEMENT OF COMMUNITY INVOLVEMENT**

- Stage 2 of the SCI review will reflect changes relating to all planning duties, including development management.
- A complete review of the Statement of Community Involvement would

require substantial officer resource to produce. The priority at the current time is to ensure that immediate requirements relating to the new Local Plan and Neighbourhood Planning are addressed.

- A partial review to meet immediate needs will contribute towards a full review anticipated to be undertaken in 2018.

### **3. DETAILS OF REPORT**

#### **THE NEED FOR A NEW LOCAL PLAN**

- 3.1 Local Plans set a vision and framework for future development to meet local needs and opportunities and reflect national priorities, particularly in relation to housing, the economy, identification and delivery of infrastructure and protection of the environment. They are a critical tool to positively guide development decisions. The National Planning Policy Framework (NPPF) expects local planning authorities to keep plans up-to-date and also review them in whole or in part in response to changing circumstances.
- 3.2 The Corporate Plan sets out a commitment to prepare a new Local Plan to appropriately manage and guide development anticipated over the next fifteen years to maximise the benefits from development for local people, and to respond to planning policy changes at a national and regional level since the adoption of the current Local Plan. Primarily, this need arises from the significant increase in the borough's annual housing target from 2,885 to 3,931 homes per year, following the adoption of a revised London Plan in 2015.
- 3.3 The government also requires us to keep our Local Plan up-to-date to ensure that it responds to changes in national and regional guidance and policies as well as projections of population and employment growth (see paragraphs 157 and 158 of the NPPF).
- 3.4 Officers are mindful that a new draft London Plan is due to be published for consultation in autumn 2017, at a similar time to the statutory public consultation on the Local Plan (Regulation 19 stage). Officers are confident that the content of our Local Plan will align with the content and direction of the London Plan as they have been working collaboratively with the Greater London Authority throughout the drafting process.

#### **DEVELOPING A NEW LOCAL PLAN**

- 3.5 The Local Plan is the borough's key planning document and is a statutory requirement. It sets out policies to guide future growth and investment, as well as secure benefits from new developments such as transport improvements and affordable housing.
- 3.6 Development Plan Documents (Local Plans) must be prepared in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012. This requires the Local Plan to be (amongst other things):
- subject to rounds of consultation;
  - submitted to the Secretary of State to undergo an independent examination in public; and

- subject to an sustainability appraisal to test the impacts of the plan throughout its preparation (In Tower Hamlets, this process has been integrated into a single appraisal tool, known as Integrated Impact Assessment, which also includes the Habitat Regulations Assessment and Equalities Impact Assessment).

3.7 This Local Plan (regulation 19 stage) has been prepared in compliance with the regulations.

3.8 The indicative timetable for adopting the Local Plan in accordance with statutory requirements is set out in the table below.

	Key Tasks	Stage	Reporting	Timescale
1	Publish the proposed submission version of the Local Plan	Publication (regulation 19)	Full Council	October/November 2017 (6 weeks)
2	Submit the Local Plan to the secretary of state	Submission (regulation 21)		Early 2018
3	Examination in public	Regulation 24		Anticipated Spring 2018
4	Adopt the new Local Plan	Regulation 26	Full Council	Late 2018

### KEY ISSUES ARISING FROM PREVIOUS CONSULTATION (REGULATION 18)

3.9 The preparation of the Local Plan has involved two rounds of public consultation (as outlined below):

Key Stages	When	Purpose / nature of stage
Our Borough, Our Plan: A New Local Plan First Steps'	January - February 2016	<ul style="list-style-type: none"> <li>• Review of new and emerging policy and legislation, market changes, political priorities etc.</li> <li>• Outline scope of the plan</li> <li>• Key challenges / opportunities</li> </ul>
Tower Hamlets Draft Local Plan 2031: Managing Growth and Sharing Benefits	November 2016 - January 2017	<ul style="list-style-type: none"> <li>• Full draft Local Plan which included policies and site allocations.</li> <li>• Extensive engagement with internal and external stakeholders and members</li> <li>• Council's preferred approach based on evidence</li> <li>• Public drop-in events, area-specific workshops and bespoke meetings</li> </ul>

3.10 The Local Plan has been informed by duly made comments received from the Regulation 18 public consultations, further internal stakeholder engagement and additional or supplementary evidence base. A summary of feedback from the November 2016 – January 2017 consultation can be read in Appendix 3.

3.11 The Regulation 18 public consultation was advertised through a variety of methods to promote engagement from as broad a range of persons as possible. This included directly notifying statutory consultees and persons registered to the

Council's planning policy database by e-mail or letter, publishing a public notice in local press, utilising the Council's social media and displaying adverts at bus stops around the borough.

- 3.12 A number of events and meetings were held as part of consultation. This included drop-ins around the borough at which the public were able to view information and documents and gain assistance from officers, area-based workshops, bespoke meetings with specific groups such as the Youth Council, Local Voices (a local disability group) and the Tower Hamlets Housing Forum, and engagement with statutory consultees, key stakeholders and specialist officers from across the Council.
- 3.13 In total 103 representations were received which contained 908 separate comments. The following were the topics to receive most comments:
- Sustainable Places (which included Site Allocations) – 21.8%
  - Design and heritage – 15.3%
  - Housing – 11.7%
  - Economy and jobs – 7.7%
- 3.14 The following points outline the nature of the primary changes to the Local Plan compared to the previous consultation during the Regulation 18 stage as a result of the consultation and engagement highlighted above and further evidence:
- Additional policies have been introduced and existing policies amended to address the recommendations arising from new or updated evidence and comments received during consultation.
  - Alterations have been made to address the government's soundness tests and/or legal compliance.
  - Alterations have been made to policies and supporting text to ensure they are positively worded and/or to improve soundness.
  - Policy designation boundaries and site allocations have been reviewed, with some being amended or removed.
  - General changes have been made to improve the formatting and readability of the document.
- 3.15 To establish the principles and appropriateness of implementing the above changes so as not to contravene the relevant regulations or the spirit in which they are intended, officers have sought advice from the Council's legal services and external counsel. Additional evidence has been produced to support the Local Plan on key challenges arising from the previous consultation and where it is anticipated there will be particular challenge and scrutiny as we prepare for or present at Examination in Public. Additional further support and expertise may be required to defend the Council's position on these and other topics.

### **TOWER HAMLETS LOCAL PLAN: MANAGING GROWTH AND SHARING THE BENEFITS (REGULATION 19 PUBLICATION STAGE)**

- 3.16 The Local Plan combines both strategic and detailed policies in a single document, as per the Government's advice. It covers a fifteen year period, from 2016 until 2031.

3.17 The vision is derived from the existing Council's strategy and plans, as well as a number of discussions with the Mayor and Cabinet. Underpinning the vision, officers have developed two key objectives, which are linked to a series of principles and implementation actions and will be delivered through a development strategy and a series of supporting policies. The vision has largely remained the same as the Regulation 18 consultation document, with some minor amendments.

3.18 Policies are divided into two types.

- Spatial policies. These set out the overarching requirements and land designations covering different themes.
- Development management policies. These provide further guidance on the spatial policies where it is considered appropriate and relevant.

3.19 Site allocations have been identified detailing the land use and infrastructure requirements as well as the design principles and delivery considerations.

### **PUBLIC CONSULTATION AND NEXT STEPS**

3.20 It is critical that the timetable set out in paragraph 3.6 above is adhered to so that the new Local Plan can be adopted as quickly as possible to guide development and help secure community benefits. The progress of the Local Plan and associated risks is closely monitored through a risk register (see Appendix 5), which is kept under review.

3.21 Full details of the consultation and engagement activities planned in support of the new Local Plan have been developed with the Council's communications team and are attached in Appendix 4.

3.22 The consultation on the Local Plan (regulation 19 stage) is anticipated to start on 2<sup>nd</sup> October 2017 and run for six weeks until 12<sup>th</sup> November 2017. The start date for the consultation takes into account the ten day 'call-in' period following Cabinet. The consultation period exceeds statutory requirements and meets the standards set in the Statement of Community Involvement (see paragraphs 3.26-3.29 below).

3.23 The Local Plan will be published on the Council's website and residents and stakeholders will be able to make comments on the document online, by email or by post. The website will also contain details of all the consultation activities which will also be publicised in the local press well in advance of the events.

3.24 The visual appearance and layout of the version published for consultation will differ slightly from the version presented to Cabinet. This is because the document is being uploaded to the Council's consultation portal which cannot support the document in its current format.

3.25 The six week consultation is the last opportunity for the public and stakeholders to influence the content of the plan. At this stage, we are seeking views on whether the Local Plan and supporting information and evidence is sound (i.e. appropriate, based on robust evidence and consistent with government policy) and legally compliant.

3.26 In line with the timetable set out in paragraph 3.7 above, feedback obtained through



this regulation 19 statutory consultation alongside the Local Plan will be sent directly to the Planning Inspectorate, who will consider these representations during the examination in public.

- 3.27 Officers will seek to work with those who have submitted representations objecting to elements of the Local Plan and its supporting information and evidence prior to Examination in Public. The objective will be to address matters informally and prepare Statements of Common Ground. Matters that cannot be resolved or that require greater discussion will require the input of the Inspector.
- 3.28 Following the examination in public, the Council will seek to adopt the new Local Plan, subject to the inspector's modifications. At this point, it will formally replace the current adopted Local Plan (the Core Strategy and Managing Development Document).
- 3.29 In advance of adopting the new Local Plan, the Council can begin to apply weight to the draft policies. The material weight of the policy strengthens the closer the Local Plan is to adoption, particularly following the conclusion of the examination in public and receipt of the inspector's recommendations.

### **STATEMENT OF COMMUNITY INVOLVEMENT**

- 3.30 The Statement of Community Involvement (SCI) must be prepared in accordance with the Planning and Compulsory Purchase Act 2004.
- 3.31 The council's SCI has been refreshed to bring the document up-to-date following changes to planning policy legislation and guidance at national and regional level. These reflect changes relating to the plan making process, namely the principles of consultation in relation to neighbourhood planning, community infrastructure levy and the duty to cooperate.
- 3.32 The SCI was subject to public consultation alongside the regulation 18 document in November 2016. Two consultation responses were received. One of the consultation responses received from Historic England suggested minor amendments to Section 14 of the SCI to align with the 2015 Directions – Arrangements for handling heritage applications. This is considered a development management matter and will be addressed during a second phase of the SCI review. The second representation received from Natural England supported the SCI refresh and the principle of meaningful and early engagement of the general community, community organisations and statutory bodies in local planning matters.
- 3.33 The revised SCI (see Appendix 6) will require approval from Cabinet alongside the proposed submission version of the Local Plan in September 2017.
- 3.34 A second stage of the SCI update is needed to review the principles of consultation in relation to the development management process, with the intention to go out to public consultation in summer 2018.

### **CONCLUSIONS**

- 3.35 The Local Plan draws on a wide range of sources, including regulation 18 responses, discussions with the Mayor, members, internal officers and external

stakeholders and on the recommendations of an extensive supporting evidence base.

- 3.36 In order to deliver a new Local Plan within the proposed timeframe, it is essential that the Mayor in Cabinet supports the recommendations of this report and the progress of the document to Full Council following the close of consultation.
- 3.37 In order to ensure that the most recent consultation requirements are adhered to, an update to the Statement of Community Involvement has been made.

#### **4. COMMENTS OF THE CHIEF FINANCE OFFICER**

- 4.1 This report seeks approval to undertake consultation on the proposed Tower Hamlets Local Plan 2031 and, following the statutory consultation period, to submit the Plan along with the representations received to the Secretary of State.
- 4.2 Whilst there are no specific financial consequences arising directly from the recommendations in the report, ultimately the Local Plan will underpin key decisions in relation to the allocation of the limited resources available within the borough, and will influence the shaping of the Council's Medium Term Financial Strategy and Capital Strategy. In particular it will provide the basis for estimating the need for and cost of providing Council services based on changes to the borough's population together with the additional revenue generated from locally generated funding sources – Council Tax and increasingly Business rates.
- 4.3 The various studies and evidence required to support the plan set out some of the challenges that the Authority and its partners may face over coming years as a result of demographic and economic growth. Individual infrastructure developments will need to be subject to detailed planning at the appropriate time, including consideration of the financial impact on both partner organisations and on the Council. The Local Plan and supporting data will also provide evidence to determine the charging schedules in relation to Section 106 obligations and the Community Infrastructure Levy, and to inform decisions concerning the appropriate use of the resources secured.
- 4.4 The main costs associated with the development of the Local Plan are staffing related and are financed from within existing resources. The consultation process will lead to expenditure on items such as advertising, printing, hiring venues and facilitating public meetings for which there is existing budgetary provision.

#### **5. LEGAL COMMENTS**

- 5.1 This report seeks the approval of the Mayor in Cabinet for the proposed submission version of *The Tower Hamlets Local Plan 2031: Managing Growth and Sharing the Benefits* (“the proposed Local Plan”) to proceed to public consultation. The report also asks the Mayor to agree that following the close of consultation and a resolution having been taken by Full Council, that the submission version of the proposed Local Plan be submitted to the Secretary of State for independent examination, along with supporting documents. The report also asks the Mayor in Cabinet to adopt the Statement of Community Involvement Refresh as a revision to the 2012 version.

### ***The Local Plan***

- 5.2 It is a statutory requirement for a local planning authority (LPA) to identify the strategic priorities for the development and use of land in the authority's area, and the policies to address these priorities must be set out in the LPAs development plan documents (DPDs), save where policies to address those priorities are set out in the spatial development strategy (the London Plan).
- 5.3 The Council's Local Plan once adopted will, along with the London Plan, form the Council's development plan (along with any neighbourhood plans that might follow). Together these documents are the key planning policy against which planning applications and permissions in principle will be assessed, and Section 38(6) of the Planning and Compulsory Purchase Act 2004 (the PCPA 2004) provides that if regard is to be had to the development plan for the purpose of any determination to be made under the planning acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 5.4 The preparation/consultation, examination and adoption of a DPD is controlled by the PCPA 2004, The Town and Country Planning (Local Planning) (England) Regulations 2012 (the 2012 Regulations) and the National Planning Policy Framework. The regulations provide two stages of statutory consultation for the preparation of a DPD. In respect of the draft Local Plan the first stage of consultation was carried out between November 2016 and January 2017, and this report seeks permission for the second stage of consultation to commence.
- 5.5 Pursuant to Section 19 of the PCPA 2004 as part of the Council's development plan, the Local Plan must:
- a. be prepared in accordance with the Council's Local Development Scheme; and
  - b. taken as a whole include policies designed to secure that the development and use of land in the Council's area contribute to the mitigation of, and adaptation to, climate change.
- 5.6 The Local Plan must be in general conformity with the Spatial Development Strategy for London (known as the London Plan).
- 5.7 Section 19 of the PCPA 2004 and Regulations 8, 9 and 10 of the 2012 Regulations set out the requirements for Local Plans, and matters to which the Local Planning Authority must have regard in preparing the plan. *Inter alia* in preparing the Local Plan the Council are required to:
- have regard to *inter alia* national policies and advice contained in guidance issued by the Secretary of State and the Spatial Development Strategy for London (i.e. the London Plan);
  - comply with the Council's Statement of Community Involvement;
  - carry out an appraisal of the sustainability of the proposals in the document and prepare a report of the findings of the appraisal; and
  - comply with the duty to co-operate with other local planning authorities and

prescribed bodies and persons in respect of strategic matters.

- 5.8 Consultation must be carried out in accordance with the 2012 Regulations and the Council's Statement of Community Involvement. The Consultation and Engagement Strategy (Appendix 3) set out how the Council will meet these requirements. During the consultation period representations will be invited from the public and key stakeholders for a 6 week period running from the date of local advertisement. Following this consultation, the Local Plan will be submitted to Full Council, to approve its submission to the Secretary of State for examination. This is because the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 provide that the process of preparation of a DPD is an Executive responsibility but the formal process of submission to the Secretary of State and its adoption are the responsibility of Full Council (Regulation 4). It is also noted that a DPD is a plan which must by statute to be included in the Council's policy framework. The Budget and Policy Framework Procedure as set out in Part 4.3 of the Council's Constitution therefore applies.
- 5.9 As a DPD the Council are required to submit the proposed Local Plan, along with all relevant documents and information to the Secretary of State for independent examination. An inspector will be appointed by the Secretary of State who will determine whether the Local Plan satisfies the relevant statutory requirements, whether it is sound and whether the Council have complied with the duty to co-operate.
- 5.10 Following public examination the Inspector will issue a report making recommendations as to the soundness of the DPD which the Council must publish. Following receipt of the report the Council will seek to formally adopt the final Local Plan in line with the Inspector's recommendation. Full Council will be asked to formally endorse adoption at that time.

#### ***The Statement of Community Involvement***

- 5.11 The Council's statutory duty to prepare a SCI is set out under Section 18 of the PCPA 2004. A SCI is a statement setting out how the Council will involve persons interested in the development of land in the area, in the exercise of the Council's planning functions. Section 18(3) provides that the SCI is a Local Development Document subject to it being adopted by the Council (as per Section 17(8) of that Act).
- 5.12 Previous changes to legislation reduced the scope of the procedural requirements for the consultation and adoption of SCIs (or amendments thereto) and there is no longer an express statutory requirement for consultation. It was felt however, that it is implicit from Section 23 of the PCPA 2004 that such adoption may be subject to consultation (i.e. the proposed revised SCI can be modified to take account of any representations received prior to such adoption) even though it is no longer expressly required by the 2012 Regulations. Moreover, it was considered that there could be a common law duty on the Council to consult as an aspect of the duty of fairness, and that given its importance, it would be good practice and fair that interested persons are aware of any proposed changes to the SCI and given an opportunity to comment on them before they are made. Accordingly consultation was carried out which is considered to have met the legal principles for consultation. The Mayor in Cabinet should give formal consideration to the outcome of the consultation (as detailed in paragraph 3.33) before deciding whether to adopt the

revised SCI.

- 5.13 Once adopted, the revised SCI should be publicised on the Council's website.

### ***Equalities***

- 5.14 In carrying out the function of preparing a Local Plan and a Statement of Community Involvement, regard must be given to the public sector equalities duty to eliminate unlawful conduct under the Equality Act 2010. The duty is set out at Section 149 of the 2010 Act. It requires the Council, when exercising its functions, to have 'due regard' to the need to eliminate discrimination (both direct and indirect discrimination), harassment and victimization and other conduct prohibited under the Act, and to advance equality of opportunity and foster good relations between those who share a 'protected characteristic' and those who do not share that protected characteristic.
- 5.15 In respect of the Local Plan this report indicates that an equalities impact assessment has been carried out as part of the Integrated Impact Assessment. The Integrated Impact Assessment will also ensure that the Council complies with its duties under the Conservation of Habitats and Species Regulations 2010 and the Environmental Assessment of Plans and Programmes Regulations 2004.
- 5.16 In respect of the SCI an equality analysis has been carried out which concluded that the project does not appear to have any adverse effects on people who share protected characteristics and no further actions are recommended.

## **6. ONE TOWER HAMLETS CONSIDERATIONS**

- 6.1 For the Local Plan, a full equalities screening and Equalities Impact Assessment (EqIA) has been prepared and is included as part of the Integrated Impact Assessment. It noted that a full EqIA is not necessary at this stage in the process as the draft Local Plan had exhibited due regard to the Council's Public Sector Equality Duty. Policies on safeguarding and provision of accommodation for Gypsies and Travellers were positive and the provision of adaptable and accessible accommodation will bring positive outcomes for the disabled and others. For the Regulation 19 consultation contact will be made with all groups, including those identified in the Council's Single Equality Framework, that were contacted during the previous stage of consultation. Officers will continue to work with the Council's Equalities team to ensure actions are undertaken to mitigate any impacts on the equality profile of those affected by the Local Plan.
- 6.2 An Equalities Analysis has also been undertaken for the SCI Refresh and it is included as Appendix 7. It concluded that the project does not appear to have any adverse impacts on people who share Protected Characteristics and no further actions are recommended.

## **BEST VALUE (BV) IMPLICATIONS**

- 7.1 The new Local Plan will enable the Council to continue to ensure that the delivery of housing, infrastructure and other new development is optimised, and that social, economic and environmental benefits continue to be secured and shared across the borough and beyond. The development of sites following the policies and guidance contained within the new Local Plan will generate Section 106 and Community

Infrastructure Levy (CIL) contributions, where relevant. This may include the delivery of new affordable housing, local enterprise and employment opportunities, public realm enhancements and transport infrastructure.

## **8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT**

8.1 A Sustainability Appraisal (SA) is a legal requirement for the preparation and development of a Local Plan. Under the Planning and Compulsory Purchase Act 2004, a Sustainability Appraisal must comply with the requirements of a Strategic Environmental Assessment (SEA). The SEA ensures environmental issues are incorporated into the Local Plan and assessed in decision-making throughout the entire plan making process. The SA report will be submitted to the Secretary of State alongside the new Local Plan as part of the IIA. An IIA summary is included with this report as Appendix 2.

## **9. RISK MANAGEMENT IMPLICATIONS**

9.1 Throughout the drafting process of the new Local Plan it has been regularly reported and presented to a number of internal groups that consider risk management issues and mitigation measures. These have included:

- Local Plan Internal Stakeholders Group
- Development and Renewal Directorate Management Team; and
- Corporate Management Team

9.2 A Project Initiation Document (PID) was approved by the Corporate Leadership Team (CLT) in May 2015. Officers have worked collaboratively across the relevant services on developing the new Local Plan and its evidence base through CLT and a Local Plan Internal Stakeholder Group. The Mayor of Tower Hamlets and Lead Member for Strategic Development and Waste have been briefed frequently on the new Local Plan, providing significant input into the development of the Local Plan.

## **10. CRIME AND DISORDER REDUCTION IMPLICATIONS**

10.1 The Local Plan contains policies that seeks to ensure the design of developments minimises opportunities for crime and creates a safer and more secure environment.

## **11. SAFEGUARDING IMPLICATIONS**

11.1 The Local Plan is not considered to give rise to any safeguarding implications.

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## **Linked Reports, Appendices and Background Documents**

### **Linked Report**

- NONE

### **Appendices**

- Appendix 1: Proposed submission version of the *Tower Hamlets Local Plan 2031: Managing Growth and Sharing the Benefits*

- Appendix 2: Integrated Impact Assessment
- Appendix 3: A summary report of the second stage of public consultation on the draft Local Plan (Regulation 18)
- Appendix 4: Consultation and Engagement Strategy Publication Stage (Regulation 19)
- Appendix 5: Risk register
- Appendix 6: Statement of Community Involvement Refresh
- Appendix 7: Statement of Community Involvement Refresh Equality Analysis Quality Assurance Checklist

### **Background Documents**

- Green Grid Strategy Update (2017)
- Historic England Heritage at Risk Register
- Housing Delivery Strategy (2017)
- Indoor Sports Facilities for the Future (2017-2027)
- Tall Buildings Study (2017)
- Open Space Strategy (2017)
- Parking and Freight Study (2017)
- Preferred Office Location Boundary Review (2017)
- Pubs in Tower Hamlets – An Evidence Base Study (2017)
- Site Allocations Methodology (2017)
- Small Sites Affordable Housing (2017)
- Strategic Housing Market Assessment (2017)
- Viability Assessment (2017)
- Waste Management Evidence Base Review (2017)
- Water Space Study (2017)

### **Officer contact details for documents:**

N/A